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ATTORNEYS FOR DEFENDANT
MEREDITH CORPORATION, dba KPTV & KPDX

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION**

ROBERT COOPER, an individual,

Plaintiff,

v.

MEREDITH CORPORATION, dba KPTV
& KPDX, a foreign business corporation,

Defendant.

Case No.:
(Washington County Case No. 22CV42847)

**DEFENDANT'S NOTICE OF REMOVAL
TO FEDERAL COURT**

U.S.C. §§ 1332, 1441, AND 1446

**TO: THE CLERK OF THE ABOVE-ENTITLED COURT, PLAINTIFF ROBERT
COOPER, AND HIS ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE that Defendant Meredith Corporation, dba KPTV & KPDX ("Defendant"), by and through its undersigned counsel, hereby removes this action from the Circuit Court of the State of Oregon, County of Washington ("State Court Action"), to the United States District Court for the District of Oregon pursuant to 28 U.S.C. §§ 1332, 1441(b) and 1446. Defendant removes this case on the grounds of diversity jurisdiction. Defendant's Notice of Removal is based upon and supported by the following:

1. This Court has original jurisdiction over this action under the diversity of citizenship statute: 28 U.S.C. § 1332(a). In relevant part, the diversity statute grants district courts original jurisdiction over civil actions in which the matter in controversy exceeds \$75,000, exclusive of interest and costs, and is between citizens of different states. As set forth below, this action meets all of the diversity statute's requirements for removal, and is timely and properly removed by the filing of this Notice.

2. On or about December 16, 2022, Plaintiff Robert Cooper ("Plaintiff") caused the Complaint to be filed against his former employer, Defendant Meredith Corporation, dba KPTV & KPDX ("Defendant"), in the State Court Action. Plaintiff purports to bring claims against Defendant for age discrimination under ORS 659A.030 and common-law wrongful termination. *See* concurrently-filed Declaration of Kjersten Turpen in Support of Defendant's Notice of Removal ("Turpen Decl."), ¶ 2, Exhibit 1 (Summons and Complaint).

3. On January 11, 2023, Defendant Meredith Corporation, dba KPTV & KPDX was served with Plaintiff's Summons and Complaint. *See* Turpen Decl., ¶ 3.

4. This Notice of Removal is timely because it is filed within 30 days of service of Plaintiff's Summons and Complaint. 28 U.S.C. § 1446(b)(2)(B) ("Each defendant shall have 30 days after receipt by or service on that defendant of the initial pleading or summons described in paragraph (1) to file the notice of removal.").

5. Removal to this Court is appropriate because the Complaint is pending in the Circuit Court of the State of Oregon for the County of Washington, which is located in the Portland Division.

6. The State Court Action may be removed from the state court under 28 U.S.C. §§ 1332 and 1441 because it is a civil action, the matter in controversy exceeds \$75,000, exclusive of interests and costs, and the State Court Action is between citizens of different states, as further explained in the paragraphs below.

7. Upon information and belief, Plaintiff resides in and is a citizen of the State of Washington. For diversity of citizenship purposes, a person is a “citizen” of the state in which he or she is domiciled at the time the lawsuit is filed. *Armstrong v. Church of Scientology Int’l*, 243 F.3d 546, 546 (9th Cir. 2000) (citing *Lew v. Moss*, 797 F.2d 747, 750 (9th Cir. 1986)); *Kantor v. Wellesly Galleries, Ltd.*, 704 F.2d 1088, 1090 (9th Cir. 1983).

8. A corporation “shall be deemed to be a citizen of every State . . . by which it has been incorporated and of the state . . . where it has its principal place of business. 28 U.S.C. §1332(c)(1); *Hertz Corp. v. Friend*, 559 U.S. 77, 80 (2010) (defining “principal place of business” as the “never center” that is “typically . . . found at a corporation’s headquarters”).

9. Sometime prior to December 1, 2021, Defendant transferred all non-television-based assets to Dotdash Meredith, Inc. *See* Declaration of Keith Miller (“Miller Decl.”), ¶ 3.

10. On December 1, 2021, Gray Television acquired all stock of Defendant. *Id.* ¶ 4.

11. At closing, Defendant merged with Gray Hawkeye Stations, Inc., after which Defendant remained the surviving entity. Defendant was renamed as “Hawkeye Acquisitions, Inc.” *Id.* ¶ 5.

12. On December 31, 2021, Defendant (now known as Hawkeye Acquisitions, Inc.) merged with Gray Media Group, Inc. (“Gray Media”), after which Gray Media remained the surviving entity. *Id.* ¶ 6.

13. Gray Media is a Delaware Corporation with a principal place of business in Atlanta, Georgia. *Id.* ¶ 7.

14. Gray Media is the wholly owned subsidiary of Gray Television, which is a Georgia Corporation with a principal place of business in Atlanta, Georgia. *Id.* ¶ 8.

15. As the wholly owned subsidiary of Gray Television, Defendant (as the entity merged with Gray Media) was at the time of the filing of this action on December 16, 2021, and still is, a corporation formed under the laws of the State of Delaware with a principal place of business in Atlanta, Georgia. *Id.* ¶ 9.

16. In sum, Defendant is a citizen of the States of Delaware and Georgia. Plaintiff is a citizen of the State of Washington. Plaintiff and Defendant are therefore “citizens of different States” under 28 U.S.C. § 1332(a). *See also Hertz Corp. v. Friend*, 559 U.S. 77, 96-97 (2010).

17. In determining the amount in controversy, the Court must consider the aggregate of general damages, special damages, punitive damages, and attorneys’ fees. *Galt G/S v. ISS Scandinavia*, 142 F. 3d 1150, 1156 (9th Cir. 1998) (claims for statutory attorneys’ fees to be included in amount in controversy, regardless of whether such an award is discretionary or mandatory); *see also Bank of Calif Nat’l Ass in v. Twin Harbors Lumber Co.*, 465 F.2d 489, 491 (9th Cir. 1972). Here, Plaintiff claims damages in the amount of \$999,999 plus attorney’s fees, which exceeds \$75,000. *See generally* Complaint.

18. Pursuant to 28 U.S.C. § 1446(d), Defendant will file a notice of removal with the Clerk of the Circuit Court of Washington County, Oregon, informing the court that this matter has been removed to federal court. A copy of this Notice of Removal, including all supporting exhibits, will be attached to the notice of removal filed with the Circuit Court of Washington County, Oregon. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is also being served upon Plaintiff.

Dated: February 10, 2023.

**OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.**

By: /s/ Kjersten H. Turpen
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MEREDITH CORPORATION, dba KPTV &
KPDX

CERTIFICATE OF SERVICE

I hereby certify that on February 10, 2023, I served the foregoing DEFENDANT'S NOTICE OF REMOVAL TO FEDERAL COURT on:

Efrem Lawrence, Esq.
E.L. Law Firm
5 Centerpoint Drive, Suite 400
Lake Oswego, OR 97035
elawrence@theellawfirm.com

Attorneys for Plaintiff Robert Cooper

- by **electronic** means through the Court's eFile and Serve system.
- ☐ by **mailing** a true and correct copy to address for the persons listed above.
- ☐ by causing a true and correct copy to be **hand-delivered** to the address of each person listed above. It was contained in a sealed envelope and addressed as stated above.
- ☐ by causing a true and correct copy to be delivered **via overnight courier** to the last known address of each person listed above. It was contained in a sealed envelope, with courier fees paid, and addressed as stated above.
- ☐ by **e-mailing** a true and correct copy to the persons listed above.

s/Jacqueline Ihander
Jacqueline Ihander, Practice Assistant
jacqueline.ihander@ogletree.com

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